

Practitioner's Docket No. MPI00-633P1RM**U.S.N. 09/939,853****REMARKS**

The Amendments and Remarks presented herein are provided in response to the Office Action mailed September 30, 2004.

Please note the change in Attorney Docket No. to MPI00-633P1RM (copy of previously submitted change form included following this response).

Applicants thank the Examiner for entering the amendments filed on June 22, 2004, and for maintaining that claim 71 is allowable.

Applicants thank the Examiner for indicating that claims 53, 55-59, 66, 69, 70 and 73 would be allowable if rewritten in independent form. In response, Applicants have canceled claim 52 and have amended claims 53, 55 (claims 56-57 dependent thereon), and 69 (claim 70 dependent thereon) so they are now in independent form. Applicants have amended claims 58 (claims 59-60 dependent thereon), 65 (claims 66-67 dependent thereon) and 68 to be dependent on amended claim 53. Claim 73 depends on claim 54, which has been amended to be dependent on claim 53.

Claim 53 has been amended to include the embodiments of the complements of the recited nucleic acid sequences. Support for this amendment can be found in the specification at, for example, page 98, lines 30-32 and page 132, lines 23-37 (as amended in the December 24, 2003 response).

Claim 5 has been amended to delete embodiment 5(a).

No new matter has been added. Upon entry of the present amendment, claims 5, 8-14, 19-21, 39, 42, 46-47, 50-51 and 53-73 are pending. The Examiner's remarks in the Office Action are addressed below in the order set forth therein.

Rejection of Claims Under 35 U.S.C. §112, First Paragraph

Claims 5, 8-14, 19-21, 39, 42, 46, 47, 50, 51, 61-64 and 72 were rejected under 35 U.S.C. §112, first paragraph, on the grounds that the claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention at the time the application was filed. In particular, the Examiner notes that claim 5 recites "a mature form of SEQ ID NO:75," implying the presence of a signal peptide, but the specification states that NOV13 is predicted not to have a signal peptide. Claims 8-14, 19-21, 39, 42, 46, 47, 50, 51, 61-64 and 72 are dependent on claim 5. In response, Applicants have deleted from claim 5, the embodiment reciting the mature form of SEQ ID NO:75. Amended claim 5 now is limited to refer only to SEQ ID NO:75. In view of this amendment, Applicant respectfully requests that this rejection be withdrawn.

(Page 9 of 10)

Practitioner's Docket No. MPI00-633P1RM

U.S.S.N. 09/939,853

Rejection of Claims Under 35 U.S.C. §102 and §103(a)

Claims 52, 65 and 67 were rejected under 35 U.S.C. § 102(b) as being anticipated by Adams et al., Nakayama et al. and Mahairas et al.. Claim 52 has been canceled. Claim 65 (claim 67 dependent thereon) was amended to depend on claim 53. In view of these amendments, Applicants respectfully request that this rejection be withdrawn.

Claim 54 was rejected under 35 U.S.C. § 103(a) on the grounds that a combination of Adams et al., Nakayama et al. or Mahairas et al. with Wallace et al. makes this claim unpatentable. Specifically, the Examiner pointed to an embodiment of claim 52, upon which claim 54 depended, which led to this rejection. Claim 54 was amended to be dependent on claim 53, which was amended to be in independent form and does not have the embodiment in question. Claim 52 was canceled. In view of this amendment, Applicants respectfully request that this rejection be withdrawn.

CONCLUSION

The foregoing amendments and remarks are being made to place the Application in condition for allowance. Applicants respectfully request the timely allowance of the pending claims because, in view of these amendments and remarks, Applicants respectfully submit that the objection to the claims and rejections of the claims under 35 U.S.C. §§ 112, 102 and 103 are overcome. Applicants believe that this application is now in condition for allowance. Early notice to this effect is solicited.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned. If the Examiner disapproves of Applicants' amendments and remarks in this response, Applicants request a prompt mailing of a notice to that effect.

This paper is being filed timely within the three month period for response. No extensions of time are required. In the event any extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

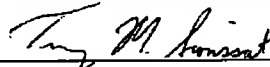
Entry of the amendments and remarks made herein is respectfully requested.

Respectfully submitted,

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1 December 2004

By



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(Page 10 of 10)